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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,237	01/25/2002	Richard Wisniewski	2035749	8952

7590 02/23/2004

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EXAMINER

FORD, JOHN K

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 02/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3743

The reply filed on July 14, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the second declaration of Mr. Wisniewski refers to the wrong serial number ("08/895,936") for this application and in paragraph 6 refers to an office action in that other application, not to the office action mailed to applicant on April 10, 2003 in this application. The second declaration also refers to another (first) declaration in paragraph 8 which is not of record here, and cannot be properly considered without it. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

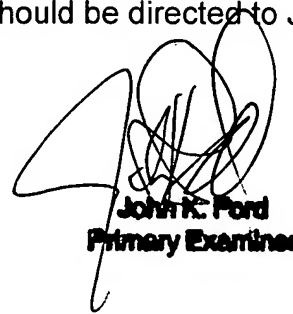
To proceed with an orderly examination, and appeal, should applicant file one this time around, this evidence (i.e. a proper second declaration referring to the correct office action and a first declaration) must be made of record at this juncture.

It is also believed that the second declaration may be superceded by a third declaration which applicant and/or counsel may be preparing at present in an attempt to explain why no inquiry was made of Mr. Leonard or <sup>Mr. Wu or</sup> of knowledgeable persons at Genentech as to the dimensions of the prior art Genentech device disclosed in the 1992 Wisniewski and Wu article without any of the relevant dimensions (e.g. the diameter of the tank and the sizes of the fins and the fin to tank wall spacing). If this is the case,

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counsel may expedite matters by additionally filing any such superceding or clarifying materials here in addition to the first and second declarations required above.

Any inquiry concerning this communication should be directed to John Ford at telephone number 703-308-2636.



**John K. Ford**  
**Primary Examiner**